IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE SE/S McCormick Avenue, 400' \* ZONING COMMISSIONER SE of Kenwood Avenue (200 McCormick Avenue) \* OF BALTIMORE COUNTY 14th Election District 6th Councilmanic District \* Case No. 89-162-SPH James W. Conkel, Sr., et ux

Petitioners

## \* \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a two-story garage addition attached to the existing dwelling by a deck, with the proposed addition consisting of laundry facilities, a shower and flush on the first floor, and a large kitchen/family room combination, one bedroom and a full bath on the second floor, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

Testimony indicated that the subject property, known as 200 McCormick Avenue, is zoned B.L. and is currently improved with a single family dwelling. Petitioners propose constructing a two-story garage addition with living quarters on the upper level and attaching the structure to the existing dwelling by an open deck. Petitioners testified that Mrs. Conkel's parents, who are in poor health, will be moving in with them in the very near future. It is the Petitioners' intention to move into the proposed living quarters above the garage addition allowing the parents to live in the main dwelling to provide separate living quarters for both families on the same property.

Subsequent to the hearing, Petitioners submitted a revised plan eliminating the proposed deck and showing the garage addition will be attached directly to the existing dwelling. The proposed addition will not be separate from the main dwelling but rather an extension of the existing home with free access from the addition to the main dwelling.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore 12 day of December, 1988 that the Petition for Special Hearing to approve a two-story addition attached to the existing dwelling, with the proposed addition providing vehicle storage space, laundry facilities, a shower and flush toilet on the first floor, and a large kitchen/family room combination, one bedroom and a full bath on the second Ifloor, in accordance with the revised plan submitted subsequent to the hearing by letter dated October 29, 1988, be and is hereby GRANTED, subject, however, to the following restrictions:

 The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The special hearing granted herein is limited to the Petitioners residing in the proposed addition. At such time as the Petitioners no longer live in the addition, or the property is sold and/or transferred, the kitchen facilities shall be removed and the property returned to a single family dwelling unit. Said kitchen facilities shall be removed prior to any contract of sale for the property.

3) The proposed addition must be of compatible construction and material as the existing dwelling and must preserve the appearance of a single family dwelling unit.

4) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartment. As set forth in Restriction No. 2 above, the kitchen facilities in the proposed addition shall be removed at such time as the property is sold or transferred, or the Petitioners no longer reside in the addition.

5) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

6) The property cannot be sold, transferred or leased until such time as it is returned to a single family dwelling unit.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with the restrictions of this Order.

for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 XXXXXX 887-3353

J. Robert Haines

December 7, 1988

Dennis F. Rasmussen

Baltimore, Maryland 21236 RE: PETITION FOR SPECIAL HEARING SE/S McCormick Avenue, 400' SE of Kenwood Avenue (200 McCormick Averna) 3rd Election District - 3rd Councilmanic District James W. Conkel, Sr., et ux - Petitioners Case No. 89-162-SPH

Dear Mr. & Mrs. Conkel:

Mr. & Mrs. James W. Conkel, Sr.

8234 Belair Road

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, Robert Haines //J. ROBERT HAINES Zoning Commissioner for Baltimore County

cc: People's Counsel

## PETITION FOR SPECIAL HEARING

#50

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the\_\_\_ addition of a 2 cer garage with living quarters above consisting of: The 2 car garage will have laundry facilities, shower and flush. The upstairs will consist or a large kitchen/family room combination, one bedroom and a full bath that will be attached to existing dwelling with a deck. (See attached sheet)
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-

MATE CASING	u	ons of Ba	TRECEIV	County adopte		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.		
BANTAKDIS M. MOTOTOP AOTRA ADREOV MAL	មិ មិ]]Ω១៦***	Residential Vary	TO MR & MRS	-88	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	Legal Owner(s):  James W. Conkel, Sr.  (Type or Print Name)  James W. Conkel  Signature  Cerolyn R. Conkel  (Type or Print Name)  August R. Conkel  Signature	MAP 4 B  NE 6 E  E. D. 14  DATE 1/30 8  1000	
URE OF CASHER	3503:0 8158f	2000 11/20	Conkel	R-01-6	× .	Address  City and State	Phone No.	

ORDERED By The Zoning Commissioner of Baltimore County, this 2422 day Queent, 1988, that the subject matter of this petition be advertised, a Equired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Baltimore County, that property be posted, and that the public hearing be had before the Zoning 26th day of October, 1988, at 2 o'clock

Zoning Commissioner of Baltimore County

tract purchaser or representative to be contacted

Mrs. Carolyn R. Conkel

CONTRACTOR OF HEARING -1/2HR.

AVAILABLE FOR HEARING (OVER)

MON./TUES./WED. - NEXT TWO MONTHS

The request for this special hearing is to request an interpretation that would permit living quarters for an invalid mother who requires constant care. When no longer needed for this purpose this property will revert to a single family residence.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 89-162-5PH

District 1974	Date of Posting 18/3/85	
Posted for Special Hearing		
Petitioner: Janes W. Control, St.	fue	
Location of property: SELS McCornick Ass.	400' SE Kon Wood Are	
200 Helor-milt Mrs		
Location of Signer Feering McCommit No.	eprox. 25' Fr Youd Way or	
property of Petitionen		
Remarks:		
Posted by Milliages D	ata of return: 10/1/85	
Number of Signs:		

Property. Description

Beginning at a point on the Southeast side of

McCormick Ave. a distance of 400 ft. West of Kenwood Ave.

McCormick Ave. a distance of 400 ft. thence running \$ 40°17'E

Thence running \$ 45°E 48 ft., thence running \$ 40°17'E

192.50 ft., thence \$ 43°27' W 88 ft. thence N 46°15' W

192.50 ft., thence \$ 43°27' W 88 ft. thence N 46°15' W 198.75 ft. thence N 19° 29'W 14.12 ft., thence N 3° 39'W 40.73 ft. thence N 45°E 85 ft. to the point of beginning; Containing . 58 acret.

> NOTICE OF HEARING The Zoning Commissioner a

The Zoning Commissionar of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland as fol-

Petition for Special Hearing Case number: 89-182-SPH SES McCormick Avenue 400' SE Kenwood Avenue (200 McCormick Avenue) 14th Election District

Petitioner(s): James W. Conkel, Sr., e

Hearing Date: Wednesday, Oct. 26, 1988 at 2:00 p.m.

Special Hearing: The addition

krichen/lamily room combination, one bedroom and a full bath that

will be attached to the existing dwelling with a deck.
In the event that this Petition i

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the ie-

suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the

date of the hearing set above or presented at the hearing.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

THE JEFFERSONIAN,

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER SE/S McCormick Ave., 400' SE Kenwood Ave. (200 McCormick Ave.): OF BALTIMORE COUNTY

JAMES W. CONKEL, SR., et ux, : Case No. 89-162-SPH

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County Peter Max Zimmerman Deputy People's Counsel

Room 304, County Office Building

Towson, Maryland 21204 494-2188 I HEREBY CERTIFY that on this 6th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. James W. Conkel, Sr., 8234 Belair Rd., Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Mrs. Carolyn R. Conkel 8234 Belair Road Baltimore, Maryland 21236

Re: Petition for Special Hearing CASE NUMBER: 89-162-SPH SES McCormick Avenue, 400° SE Kenwood Avenue (200 McCormick Avenue)

14th Election District - 6th Councilmanic Petitioner(s): James W. Conkel, Sr., et ux HEARING SCHEDULED: WEDNESDAY, OCTOBER 26, 1988 at 2:00 p.m.

Please be advised that \( \frac{\frac{90.90}{0.90}}{\text{the above-referenced property. All fees must be paid prior to the hearing.} \) Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

The second secon post set(s), there BALTIMORE COUNTY, MARYLAND each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-162-SPH SES McCormick Avenue, 400° SE Kenwood Avenue (200 McCormick Avenue) 14th Election District - 6th Councilmanic Petitioner(s): James W. Conkel, Sr., et ux HEARING SCHEDULED: WEDNESDAY, OCTOBER 26, 1988 at 2:00 p.m.

Special Hearing: The addition of a 2 car garage with living quarters above consisting of : The 2 car garage will have laundry facilities, shower and flush. The upstairs will consist of a large kitchen/family room combination, one bedroom and a full bath that will be attached to the existing dwelling with a deck.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Conkel

My Commission expires: 7/1/90.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this Zanday of January, 1989, before me, the subscriber, a Notary Public of the State of aforesaid, personally appeared Carolyn R. Conkel, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: 7/1/90.

5) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty days (60) of the date of

6) The property cannot be sold, transferred or leased until such time as it is returned to a single family unit.

this Order and a copy of the recorded Deed shall be forwarded to the Zoning Commissioner

for inclusion in the case file.

in Restriction No.2 above, the kitchen

reside in the addition.

facilities in the proposed addition shall be

removed at such time as the property is sold or transferred, or the Petitioners no longer

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with the restrictions of this

WITNESS the hands and seals of the Declarants herein on the day and year first above written.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this Zmoday of Jelman, 1989, before me, the subscriber, a Notary Public of the State of aforesaid, personally appeared James W. Conkel, Sr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

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POWER AND MOSNER 21 W. SUSQUEHANNA AVE. TOWSON, MARYLAND 21204

CONTRACTOR CONT

of Findings of Fact and Conclusions of Law dated December 7, 1988, on the Petition for Special Hearing before the Zoning Commissioner for Baltimore County, Case 89-162-SPH, the Declarants herein being the Petitioners in said proceeding. IN CONSIDERATION of Zero Dollars and pursuant to the said Findings of Fact and Conclusions of Law, hereby subject the parcels of land hereinafter described to the restrictions provided hereinafter, the said parcels of land

being described as follows:

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

THIS DEED of DECLARATION, Made this 2nd day of

eighty-nine, by JAMES W. CONKEL, SR. and CAROLYN R. CONKEL

his wife (the "Declarants"), made pursuant to Section 502.2

of the Baltimore County Zoning Regulations and a Memorandum

For condition

#5 on approved

Heavier.

BEGINNING FOR THE FIRST in the centre of McCormick Avenue at the beginning of the 0.89 acre tract of land which by deed dated November 4, 1949 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1789, folio 279 was conveyed by Edward W. Lee and wife to James Lowry Sheeler and wife, and running thence with and binding on the first and second lines in said description as follows: south 45 degrees east 55 feet and south 40 degrees 17 minutes east 192.50 feet to the north west Right Of Way Line of the Susquehanna Transmission Company of Maryland, thence running and binding on the northwest side of said Right-of-Way south 42 degrees west 80 feet, and thence running for a new division line through the land of said grantors, north 41 degrees 25 minutes west 251.52 feet to the centre of McCormick Avenue, and thence running and binding on the centre of McCormick Avenue north 45 degrees east 80 feet to the place of beginning.

BEGINNING FOR THE SECOND at an iron pipe driven in the ground in the northwest Right Of Way line of the Pennnsylvania Water and Power Company, at the end of the 3rd line of a lot of ground described in a Deed dated August 21, 1964 and recorded among the Land Records of Baltimore County in Liber #4347 folio 60 from Rosario Mangano, et al to Howard E. Simpson, etal, said place of beginning being also at the beginning of the 0.580 Acre lot of ground described in a Deed dated 21 Oct. 1966 and recorded among the Land Records of Baltimore County in Liber 4686 folio 476 from Sophie G. McCormick, et al to Arthur H. Walz, Jr., et al; and running thence from said place of beginning, binding on said Northwest Right-of-Way line and binding on part of the 1st line of said last mentioned Deed South 43 degrees 29 minutes West 8 feet; thence for lines of division across the last mentioned Deed, the two following courses and distances, viz- North 46 degrees 15 minutes West 198.75 feet and North 19 degrees 29 minutes West 14.12 feet to the end of the 4th line of said last mentioned Deed and to the Southeast side of a 20 foot Right-of-Way; thence binding on the 5th line of said last mentioned Deed and binding on the said Southeast

side of said 20 foot Right-of-Way, with the use thereof in common with other entitled thereto and running North 03 degrees 39 minutes West 40.73 feet to the beginning of the 6th line of said last mentioned Deed and to intersect the 4th line of the first above mentioned Deed; thence binding on the part of said 4th line of the first above mentioned Deed, reversely, and binding on the 6th line of the said last mentioned Deed and running South 40 degrees 07 minutes East 242.70 feet, more or less, to the place of beginning. Containing 0.101 Acre of land, more or less.

BEING the same lot of ground described in a Deed dated May 20, 1986 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 7223, folio 727, which was granted and conveyed by Kathlyn T. Simpson, also known as Cathlyn T. Simpson, unto James W. Conkel, Sr. and Carolyn R. Conkel, his wife, the parties of the first part herein.

THE DECLARANTS hereby subject the above described property to the following restrictions which shall continue in effect until it is recorded among the Land Records of Baltimore County a release of these restrictions by the Declarants or their successors in interest and the Zoning Commissioner holding the office and at the time of the execution of the release.

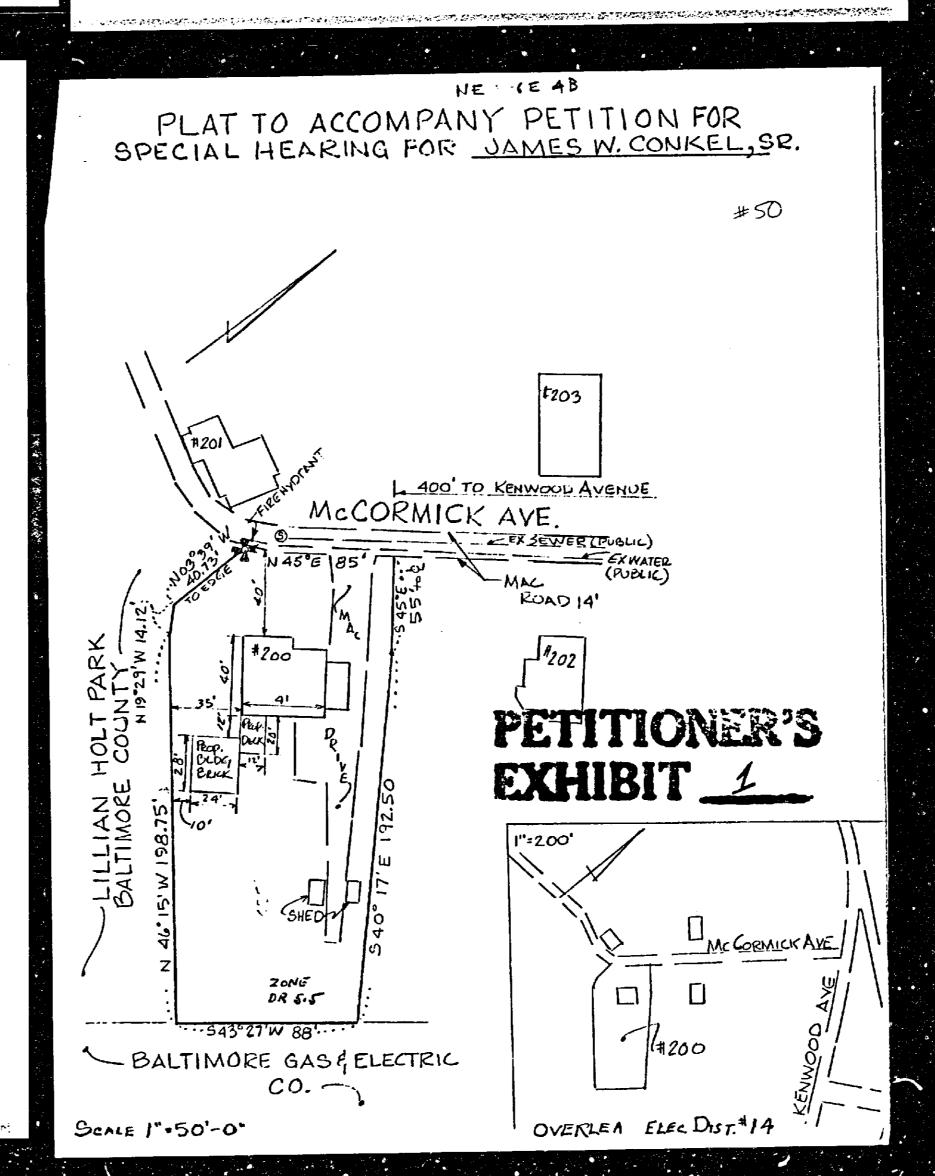
> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2) The special hearing granted herein is limited to the Petitioner residing in the proposed addition. At such time as the Petitioners no longer live in the addition, or the property is sold and/or transferred, the kitchen facilities shall be removed and the property returned to a single family dwelling unit. Said kitchen facilities shall be removed prior to any contract of sale for the property.

3) The proposed addition must be of compatible construction and material as the existing dwelling and must preserve the appearance of a single family dwelling unit.

4) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartment. As set forth

er a medigalment for the following with the continuence of the following for the property of the continuence of the continuence of the following for the continuence of the continuence



## 89-162-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of \_\_\_\_\_\_, 1988.

Petitioner James W. Combel. Sr., et ux Received by:

Petitioner's

Advisory Committee

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 434-3554

October 13, 1988

County Executive

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dennis F. Rasmussen

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 43, 50, 51, 52, 53, 54, 56, 57, 60, & 62.

Very truly yours,

Michael S. Flanigan

Traffic Engineer Associate II

MSF/lab

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke Chief

September 7, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204



Re: Property Owner: James W. Conkel, Sr., et ux

Dennis F. Rasmussen

Location: SE/S McCormick Avenue, 400' SE of Kerwood Avenue 200 McCormick Avenue

Zoning Agenda: Meeting of 8/23/88 Item No.: 50

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. Garage shall comply with Chapter 22 one and two
- family dwellings. ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: COH ISEN Kelly 9-7-68 APPROVED: Planning Group Special Inspection Division

NOTED &

Fire Prevention Bureau

/jl

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 18, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

· MEMBERS Sureau of

Engineering Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial Development '

Mr. & Mrs. James W. Conkel, Sr. 8234 Belair Road Baltimore, Maryland 21236

> RE: Item No. 50 - Case No. 89-162-SPH Petitioner: James W. Conkel, Sr., et ux Petition for Special Hearing

Dear Mr. & Mrs. Conkel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. DYER Zoning Plans Advisory Committee

JED:dt